

**Notice of Allowability**

Application No.

09/518,098

Examiner

David Lukton

Applicant(s)

SHAPIRO, LELAND

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/2/04.
2. ☒ The allowed claim(s) is/are 40,46,53 and 54.
3. ☒ The drawings filed on 3/3/00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20040801</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|   | 9. <input type="checkbox"/> Other _____.   |

Pursuant to the directives of the response filed 8/2/04, claims 40 and 46 have been amended. Claims 1-48, 50-52 are now pending. Pursuant also to the following Examiner's Amendment, claims 40, 46, 53 and 54 are allowable.



An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

- **Cancel** claims 1-39, 41-45, 47, 48, 50-52.
- In claim 40, line 4, **delete** “ $\alpha$ 1-antitrypsin (AAT)-like activity,”  
and **substitute** therefor:  

- -  $\alpha$ 1- antitrypsin (AAT)-like protease inhibiting activity, - - .
- In claim 40, line 5, after “exhibiting AAT-like”,  

**insert** - - protease inhibiting - - .
- In claim 46, line 3, after “(AAT)-like”,  

**insert** - - protease inhibiting - - .

- In claim 46, line 6, after “exhibiting AAT-like”,  
**insert - - protease inhibiting - - .**

- Add the following claims:

53. The method according to claim 40 wherein the reverse transcriptase inhibitor is selected from the group consisting of RETROVIR, COMBIVIR, EPIVIR, VIDEX, HIVID, ZERIT, ZIAGEN, HYDREA, VIRAMUNE, RESCRIPTOR, SUSTIVA, PREVEON, and combinations thereof.

54. The method according to claim 40 wherein the HIV protease inhibitor is selected from the group consisting of FORTOVASE, NORVIR, CRIXIVAN, VIRACEPT, ANGENERASE, VX-478, KN1-272, CGP-61755, U-103017, and combinations thereof.

Authorization for this Examiner's Amendment was given in a telephone conversation with Serge Sira on 8/23/04.



Serial No. 09/518,098  
Art Unit 1653

-4-

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber, can be reached at 571-272-0925. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

*D. Lukton* 8/23/04

*Jon P. Weber*  
Supervising  
Jon P. Weber, Ph.D.  
Primary Examiner